

CHARLES G. LA BELLA (State Bar No. 183448)  
 STEVEN T. COOPERSMITH (State Bar No. 184646)  
 LA BELLA & MCNAMARA LLP  
 401 West "A" Street, Suite 1150  
 San Diego, California 92101  
 Telephone: (619) 696-9200  
 Facsimile: (619) 696-9269

TODD D. THIBODO (State Bar No. 171655)  
 LAW OFFICES OF TODD D. THIBODO  
 A PROFESSIONAL CORPORATION  
 16133 Ventura Boulevard, Suite 580  
 Encino, California 91436  
 Telephone: (818) 907-5769  
 Facsimile: (818) 907-5793

Attorneys for PLAINTIFFS  
 JIM MAXWELL and KAY MAXWELL,  
 individually and as guardians of TREVER  
 ALLEN BRUCE and KELTEN TANNER  
 BRUCE; and JIM MAXWELL, as executor  
 Of the ESTATE OF KRISTIN MARIE  
 MAXWELL-BRUCE

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

JIM MAXWELL and KAY MAXWELL,  
 individually and as guardians of TREVER  
 ALLEN BRUCE and KELTEN TANNER  
 BRUCE; and JIM MAXWELL, as executor  
 of the ESTATE OF KRISTIN MARIE  
 MAXWELL-BRUCE,

Plaintiffs,

v.

COUNTY OF SAN DIEGO; ALPINE FIRE  
 PROTECTION DISTRICT; VIEJAS FIRE  
 DEPARTMENT; DEPUTY LOWELL  
 BRYAN "SAM" BRUCE; DOES 1-50,

Defendants.

CASE NO. 07-CV-2385 JAH (WMc)

**JOINT STIPULATION TO TAKE  
 EMERGENCY DEPOSITION TO  
 PRESERVE TESTIMONY PRIOR TO  
 RULE 26(f) DISCOVERY MEETING**

///

///

1 WHEREAS, Plaintiffs' counsel has very recently learned that Frederick Stevens, a  
2 witness to the events on December 14, 2006 at issue in this case, has been diagnosed with  
3 esophageal cancer and is gravely ill;

4 WHEREAS, Plaintiffs' counsel needs to preserve Mr. Stevens' testimony for trial;

5 WHEREAS, the parties have not yet participated in the Federal Rule of Civil  
6 Procedure 26(f) Discovery Meeting, and no meeting is set in the immediate future;

7 WHEREAS, a stipulation of the parties or Court Order is necessary in order to take the  
8 deposition of Mr. Stevens;

9 WHEREAS, Defendant Deputy Lowell Bryan "Sam" Bruce failed to timely answer or  
10 file a timely responsive pleading and has thus defaulted;

11 As a result of the foregoing, the parties to this litigation, by and through their counsel  
12 of record, hereby stipulate and agree as follows:

- 13 1. Plaintiffs will be allowed to take the deposition of Frederick Stevens.
- 14 2. The deposition of Mr. Stevens will be set according to Mr. Stevens' schedule  
15 and the schedules of the counsel of record in this case, and the deposition will  
16 take place within fourteen (14) days of this stipulation, at a place to be  
17 determined based on Mr. Stevens' medical status.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

